

# FOOD POLICY COUNCILS: INTEGRATING FOOD JUSTICE AND ENVIRONMENTAL JUSTICE

DANIELLE M. PURIFOY†

## INTRODUCTION

Beginning in 1982, food policy councils (FPCs) proliferated across North America as forums for democratic discourse and advocacy to develop sustainable food systems at the local, state, and regional levels.<sup>1</sup> Challenging the industrialization of food production and distribution by corporate agribusiness, FPCs reflect the desire in many communities to reconnect people to fresh, healthy food, the people who produce it, and the land that grows it.<sup>2</sup>

FPCs often advocate the ecological and human health benefits of local food markets and the growth and consumption of fresh, chemical-free food.<sup>3</sup> Though addressing these issues is critical to advancing food sustainability, FPCs may miss critical opportunities for structural change to food systems by advancing agendas in which equity and justice are not central objectives. By adopting principles of environmental justice and food justice, FPCs can advance their goals without reproducing the same inequities perpetuated by the current food regime.

Environmental justice refers to equity in the distribution of environmental benefits and in the prevention and reduction of environmental burdens across all communities.<sup>4</sup> Food justice is equitable

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1. See ALETHEA HARPER ET AL., *FOOD FIRST, FOOD POLICY COUNCIL: LESSONS LEARNED* 8 (2009), available at <http://foodfirst.org/wp-content/uploads/2014/01/DR21-Food-Policy-Councils-Lessons-Learned-.pdf>; MARK WINNE, *DOING FOOD POLICY COUNCILS RIGHT: A GUIDE TO DEVELOPMENT AND ACTION* 17–18 (2012), available at <http://www.markwinne.com/wp-content/uploads/2012/09/FPC-manual.pdf>.

2. See WINNE, *supra* note 1, at 4.

3. See Rick Morse, *Local Food Policy Councils as Community Development Strategy*, CED IN NC (Apr. 9, 2013), <http://ced.sog.unc.edu/?p=4479>.

4. See Robert D. Bullard, *Environmental Justice in the 21<sup>st</sup> Century*, <http://www.ejrc.cau.edu/ejinthe21century.htm> (“The environmental justice framework incorporates

access not only to healthy, culturally appropriate food, but also to the benefits of food production and distribution for all communities.<sup>5</sup> By working at the intersection of environmental justice and food justice, FPCs can create a profound opportunity for the integration of two parallel social movements that are distinguishable from their mainstream iterations—traditional environmentalism and the sustainable food movement—and demand the inclusion and empowerment of minority and low-income communities in the process and outcomes of improving food and the environment.

This article makes two main arguments. First, environmental justice and food justice, social movements defined by ideals of equity and justice in environmental and food production practices intersect at three critical points—public health and safety, ecological health, and social justice. These movements would benefit both in increased capacity and influence by greater integration. Second, FPCs are ideal institutions to integrate the environmental justice and food justice movements, not only because they share concerns for the ecological and health consequences of the industrial food system, but also because they are localized forums with a great capacity for democratic participation and equitable social change. In the aggregate, FPC successes at local, state, and regional levels have the potential to make system-wide impacts to the food industry from the ground up, fostering a national food democracy.

The remainder of this article will proceed in four parts. Part II will provide definitions and brief histories of the environmental justice and food justice movements. Part III will discuss the possibilities for movement integration at the three intersections mentioned above. Part IV will discuss how food policy councils can provide an institutional framework for the integration of the food justice and environmental justice movements. Part V will offer some concluding implications for food democracy of an integrated environmental and food justice movement within food policy councils.

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other social movements that seek to eliminate harmful practices (discrimination harms the victim), in housing, land use, industrial planning, health care, and sanitation services. . . . Environmental justice also means sharing in the benefits.”).

5. See ROBERT GOTTLIEB & ANUPAMA JOSHI, *FOOD JUSTICE* 6 (2010) (“Food justice seeks to ensure that the benefits and risks of where, what and how food is grown, produced, transported, distributed, accessed and eaten are shared fairly. Food justice represents a transformation of the current food system, including but not limited to eliminating disparities and inequities”); see also Alison Hope Alkon & Kari Marie Norgaard, *Breaking the Food Chains: An Investigation of Food Justice Activism*, 79 SOC. INQUIRY 289, 289 (2009) (“Food justice places the need for food security—access to healthy, affordable, culturally appropriate food—in the contexts of institutional racism, racial formation, and racialized geographies.”).

## I. BACKGROUND

### A. *Environmental Justice*

In 1979, Texas attorney Linda McKeever Bullard filed a class action lawsuit against the City of Houston and Browning-Ferris Industries to enjoin the siting of a municipal landfill in a predominantly black, middle class neighborhood.<sup>6</sup> To support the case, she asked her husband, sociologist Robert Bullard, to conduct a study on the spatial location of all municipal landfills in Houston.<sup>7</sup> The results of the study revealed the disproportionate siting of waste facilities in majority black communities.<sup>8</sup>

Building on this study, Bullard conducted a series of environmental case studies in predominantly minority communities across the U.S. South and developed the general hypothesis that “black communities, because of their economic and political vulnerability, have been routinely targeted for the siting of noxious facilities, locally unwanted land uses, and environmental hazards.”<sup>9</sup> He further hypothesized that these targeted communities would suffer higher health and safety risks from the facilities than other groups.<sup>10</sup>

Bullard’s thesis was reaffirmed in 1987 by *Toxic Wastes and Race in the United States*, the first nationwide examination of the correlation between the location of the landfills and hazardous waste facilities and communities of racial and ethnic minorities.<sup>11</sup> The report was published five years after residents of predominantly black Warren County, North Carolina staged a mass protest against siting a landfill of 60,000 tons of polychlorinated biphenyl-contaminated soil in that community,<sup>12</sup> and three years after the Cerrell Report that advised the California Waste Management Board that communities with the least socioeconomic and political power “would offer the least resistance to . . . [garbage]

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6. ROBERT BULLARD, *DUMPING IN DIXIE: RACE, CLASS, AND ENVIRONMENTAL QUALITY* xiv, xv (3d ed. 2000).

7. *Id.* at xiv.

8. *Id.*

9. *Id.* at xiv.

10. *Id.*

11. See BENJAMIN F. CHAVIS JR. & CHARLES LEE, COMMISSION FOR RACIAL JUSTICE, UNITED CHURCH OF CHRIST, *TOXIC WASTES AND RACE IN THE UNITED STATES: A NATIONAL REPORT ON THE RACIAL AND SOCIO-ECONOMIC CHARACTERISTICS OF COMMUNITIES WITH HAZARDOUS WASTE SITES* (1987), available at [http://www.ucc.org/about-us/archives/pdfs/toxwr\\_ace87.pdf](http://www.ucc.org/about-us/archives/pdfs/toxwr_ace87.pdf) (finding a statistically significant relation between race and location to uncontrolled toxic substances ).

12. Polychlorinated biphenyls, or PCBs, are a set of chemicals commonly used as dielectric and coolant fluids. *Basic Information*, US ENVTL. PROT. AGENCY, <http://www.epa.gov/epawaste/hazard/tsd/pcb/about.htm>; CHAVIS & LEE, *supra* note 11, at xi.

incinerators.”<sup>13</sup> These incidences galvanized many similarly situated communities across the nation, and a movement was born.

Environmental justice is defined by the U.S. Environmental Protection Agency (EPA) as “the fair treatment and meaningful involvement of all people regardless of race, color, sex, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations, and policies.”<sup>14</sup> Anchored in grassroots organizing, activists employ multiple strategies, from protests and media campaigns to lawsuits and lobby days on Capitol Hill, all to alter what they consider environmental racism and classism in policies targeting politically vulnerable communities.<sup>15</sup>

Importantly, the environmental justice movement is an intentional departure from the traditional environmental movement that developed in the wake of World War II, the social movements of the 1960s and the publication of Rachel Carson’s *Silent Spring* in 1962.<sup>16</sup> The principal differences between the two movements are demographics and social politics. The traditional environmental movement is largely supported by white environmentalists and operates within a top-down structure—elite environmental experts and lawyers negotiating with government on behalf of ecological conservation and preservation.<sup>17</sup> By contrast, the environmental justice movement centers on and is led by its predominantly minority and low-income constituents, employing participatory strategies to address direct and disproportionate impacts of environmental hazards on their communities.<sup>18</sup> Although formal legislation codifying environmental justice has yet to be enacted at the federal level, in 1994 President Bill Clinton issued Executive Order 12898, requiring all federal agencies to make achieving environmental justice a part of their mission.<sup>19</sup> In 2011, President Barack Obama issued a Memorandum of Understanding on Executive Order 12898, reasserting a commitment to environmental justice

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13. LUKE COLE & SHEILA FOSTER, FROM THE GROUND UP: ENVIRONMENTAL RACISM AND THE RISE OF THE ENVIRONMENTAL JUSTICE MOVEMENT 3 (2001) (discussing Cerrell Associates, Inc., *Political Difficulties Facing Waste-to-Energy Conversion Plant Siting* (1984), available at <http://www.ejnet.org/ej/cerrell.pdf>).

14. *Environmental Justice*, U.S. ENVTL. PROT. AGENCY, <http://www.epa.gov/compliance/ej/basics/index.html> (last updated May 24, 2012).

15. BULLARD, *supra* note 6, at 5–6. The term “environmental racism” was first coined by Benjamin Chavis, former director of the National Association for the Advancement of Colored People, and co-author of *Toxic Wastes and Race in the United States*. See Richard Lazarus, *Environmental Racism! That’s What It Is*, 2000 U. ILL. L. REV. 255, 257 (2000).

16. COLE & FOSTER, *supra* note 13, at 29.

17. *Id.* at 28–29.

18. *Id.* at 32–33.

19. Exec. Order No. 12,898, 59 Fed. Reg. 32 (Feb. 16, 1994).

and requiring federal agencies to develop tangible environmental justice strategies and release annual implementation reports.<sup>20</sup> Other environmental legislation, such as the 1986 amendments to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), facilitates the environmental justice movement by requiring industries to provide information to communities about the toxic materials they produce and their emissions levels.<sup>21</sup> Additionally, statutes such as Title VI of the Civil Rights Act of 1964,<sup>22</sup> and state and local environmental justice policies, also serve to bolster the environmental justice agenda.<sup>23</sup>

### B. Food Justice

Food Justice is an emerging movement that can be understood as a departure from the sustainable food movement.<sup>24</sup> Like environmental justice, food justice centers its activities on achieving equality for low-income and low-access communities.<sup>25</sup> Rather than aiming for food practices and policies—like do-it-yourself food cultivation and expensive fresh food markets—which require significant disposable income and

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20. Memorandum of Understanding on Environmental Justice and Executive Order 12898 (2011), available at <http://www.epa.gov/environmentaljustice/resources/publications/interagency/ej-mou-2011-08.pdf>.

21. CHAVIS & LEE, *supra* note 11, at 5–6. These amendments created the Emergency Planning and Community Right-To-Know Act, which requires certain chemical facilities to report how much they produce and emit on a yearly basis. See *Emergency Planning and Community Right-To-Know Act (EPCRA)*, U.S. ENVTL. PROT. AGENCY <http://www.epa.gov/agriculture/lcra.html> (last updated June 27, 2012) (codified at 42 U.S.C. §§ 11,004–11,049 (2006)).

22. Title VI of the Civil Rights Act of 1964 states that “[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance.” 42 U.S.C. § 2000d. Environmental justice lawsuits have employed Title VI to target environmental regulatory authorities for a range of activities having disparate impacts on communities of color, including the disproportionate siting environmental burdens in those communities. See U.S. DEPT. OF JUSTICE, TITLE VI LEGAL MANUAL 58 – 59 (2001), available at <http://www.justice.gov/crt/about/cor/coord/vimanual.pdf>.

23. ROBERT BULLARD ET AL., UNITED CHURCH OF CHRIST, TOXIC WASTES AND RACE AT TWENTY 1987-2007 (2007), available at <http://www.ucc.org/assets/pdfs/toxic20.pdf>. The vast majority of U.S. states have some form of environmental justice policy, advisory committee, or legislation. However, most of these initiatives impose minimal procedural requirements for the citing of specific environmental burdens without imposing actual limits on the concentration of noxious land uses in overburdened communities. See UNIV. OF CAL. HASTINGS COLLEGE OF LAW PUB. RESEARCH INST., ENVIRONMENTAL JUSTICE FOR ALL: A FIFTY STATE SURVEY OF LEGISLATION, POLICIES AND CASES 92 (4th ed. 2010). 92 (2007), available at <http://gov.uchastings.edu/public-law/docs/ejreport-fourthedition.pdf>.

24. Rebecca Goldberg, *No Such Thing as a Free Lunch: Paternalism, Poverty, and Food Justice*, 24 STANFORD L. & POL’Y REV. 35, 38 (2013).

25. See *id.* at 37.

presume easy access to other necessary resources<sup>26</sup>, food justice aspires to establish healthy food as a fundamental right and to eliminate barriers to its access.<sup>27</sup> The term “food justice” is defined in several ways, likely as a result of its recent emergence as a social movement. Some have attempted to define it in terms of the injustices it is designed to combat, such as advocating against “the maldistribution of food, poor access to a good diet, inequities in the labour process and unfair returns for key suppliers along the food chain.”<sup>28</sup> Others, like attendees of the 2012 Food + Justice = Democracy conference, define it as “the right of communities everywhere to produce, process, distribute, access, and eat good food regardless of race, class, gender, ethnicity, citizenship, ability, religion, or community.”<sup>29</sup> The conference attendees also defined “good, healthy food and community wellbeing” as “basic human rights.”<sup>30</sup> In the 2000 edition of the journal *Race, Poverty, and the Environment*, which was devoted to the food system, the editors observed that the environmental justice definition of the environment as the place “where we live, work, and play,” could be extended to “where, what, and how we eat.”<sup>31</sup> In all these interpretations, the food justice movement is a direct critique of the global industrial food system and the negative impacts of its policies, laws, and practices on human health, the environment, culture, and equity.

One important example of a food justice challenge is the source and quality of food served in school cafeterias. Although problems are pervasive in school food programs across the United States,<sup>32</sup> they are particularly dire in under-resourced public schools, which often do not have the means to create alternative school food programs or to secure resources for farm-to-school programs.<sup>33</sup> However, the food justice framework views impacted communities as leaders in defining the problems and helping to craft viable solutions. In a case study examined in Gottlieb and Joshi’s *Food Justice*, public school students from New Orleans—a city with a rich

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26. See Goldberg, *supra* note 24, at 49.

27. See *id.* at 49–51.

28. TIM LANG & MICHAEL HEASMAN, *FOOD WARS: THE GLOBAL BATTLE FOR MOUTHS, MINDS AND MARKETS* 8 (2004).

29. *Draft Principles of Food Justice*, INST. FOR AGRIC. & TRADE POL’Y (Oct. 18, 2012), <http://www.iatp.org/documents/draft-principles-of-food-justice>.

30. *Id.*

31. GOTTLIEB & JOSHI, *supra* note 5, at 4–5.

32. See *id.* at 87–91 (discussing the formation of the National School Lunch Act, its backlash against low-income and minority students receiving free or reduced school lunches, and its nutritional deficits).

33. See Anupama Joshi, et al., *Do Farm-to-School Programs Make a Difference? Findings and Future Research Needs*, 3 J. HUNGER & ENVTL. NUTRITION 229, 243–244 (2008) (citing challenges of costs of farm-to-school programs and necessary resources to make such programs successful).

local food culture—were served cafeteria food that was imported from distant sources, “tasted terrible” and did not support the local economy.<sup>34</sup> The middle school activists in the study, called the Rethinkers, defined the problem in their schools not only as a matter of where their food came from and its quality, but also as a problem of the broader conditions of the cafeterias where they ate, and the amount of time they were given to eat their food.<sup>35</sup> Their advocacy also extended to support the local shrimp industry, which, as they learned, was being displaced because of imports of cheap, chemical-laden shrimp from abroad.<sup>36</sup> Rather than relying on an authoritative, top-down solution to the problem, the students ensured that they had a say in the outcome, appealing to the school district Superintendent for eliminating “junky eating utensils,” using healthy, local food sources, and placing local shrimp on the menus.<sup>37</sup>

In this way, Gottlieb and Joshi suggest, the movement for food justice is about advancing “opportunities for moving toward a more just, healthy, democratic, and community-based system.”<sup>38</sup>

Advocacy around food justice in the United States has manifested in many forms, from activism around domestic food law and policy (most notably, around the federal Farm Bill, which has historically created farm subsidies for commodity crops (e.g., corn, soybeans, wheat) and public assistance funds for food to low-income individuals and families<sup>39</sup>) or around developing programs and institutions designed to reconfigure local and regional food systems such that they will provide all communities with greater and more equitable access to safe, healthy, and local food.<sup>40</sup> Urban agriculture, community supported agriculture (CSAs), kitchen gardens, co-ops, and local food artisans joined the menu of other food initiatives, most of which targeted hunger at an individual level.<sup>41</sup> Food policy councils, first established in Knoxville, Tennessee in 1981,<sup>42</sup> have rapidly proliferated in the past decade as forums through which concerned citizens and government officials can collaborate on resolving critical challenges to the

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34. See GOTTLIB & JOSHI, *supra* note 5, at 2.

35. *Id.* at 2–4.

36. *Id.* at 3.

37. *Id.* at 3–4.

38. *Id.* at 10.

39. See Jodi Soyars Windham, *Putting Your Money Where Your Mouth Is: Perverse Food Subsidies, Social Responsibility & America's 2007 Farm Bill*, 31 ENVIRONS ENVTL. L. & POL'Y J. 1, 3 (2007).

40. *Id.* at 6, 75, 123–190.

41. *Id.* at 123–126.

42. *History*, KNOXVILLE-KNOX CNTY. FOOD POL'Y COUNCIL, <http://www.knoxfood.org/about-us/history> (last visited Jan. 29, 2014).

local food system. This concentration on local food systems, with which local residents are most familiar, creates new opportunities not only for bolstering local economies, but also for gradually altering the global food system as localized policies are replicated across the nation.

## II. INTERSECTIONS OF COLLABORATION

The connections between environmental justice and food justice and the communities most impacted by them are rarely made explicit in a way that demonstrates the incongruence of separate movements. Gottlieb and Fisher argued in 2000 that both environmental justice and community food security organizations had begun to identify each other's activities as a "natural extension" of their own.<sup>43</sup> In order to institutionalize the reality of this shared agenda, the important task is to forge a common discourse that views matters of food and the environment as inextricably linked, in absolute terms, and in terms of social justice.

To that end, one proposal to connect the two movements would simply be to recognize that food justice is a component of environmental justice. That is, if the environment is the place where people "live, work, and play," and environmental justice is about diminishing disparities in the quality of the environment and of those living in it, then equitable access to sustainably produced and healthy food, which like air, all people need to live, is an integral part of a just environment. The utility of such a fully integrated concept may be measured by its application to the three critical intersections between food justice and environmental justice—public health, ecological impacts, and justice.

### A. *Public Health*

As separate movements, environmental justice and food justice have referenced public health as a central concern for communities disproportionately impacted by toxic burdens and unhealthy food options.<sup>44</sup> An estimated "70 to 90% of disease risks are probably due to differences in environments."<sup>45</sup> In addition, a 2011 report by the London-based organization C3 Collaborators for Health, indicates that more than 60% of global deaths can be attributed to non-communicable diseases and that food

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43. Robert Gottlieb & Andy Fisher, *Community Food Security and Environmental Justice: Converging Paths Towards Social Justice and Sustainable Communities*, 7 RACE, POVERTY & ENV'T 18, 18 (2000).

44. See CHAVIS & LEE, *supra* note 11; GOTTLIEB & JOSHI, *supra* note 5, at 65–73.

45. Stephen M. Rappaport & Martyn T. Smith, *Environment and Disease Risks*, 330 SCIENCE 460, 460 (1990).



and nutrition remain key modifiable risk factors in this epidemic.<sup>46</sup>

Disparities in the quality of the environment and access to healthy food along race and class lines are documented by several well-known reports and case studies. The initial Toxic Wastes and Race report (1987) and its follow-up report, Toxic Wastes and Race at Twenty (2007), affirmed through statistical methods the disproportionate siting of hazardous waste facilities and other environmental burdens in predominantly minority communities.<sup>47</sup> Case studies abound of politically and economically vulnerable communities that have battled environmental injustices, like Kettleman City, CA, where a predominantly Spanish-speaking community fought against the siting of a hazardous waste incinerator in their neighborhood and won,<sup>48</sup> and Eastern North Carolina, where a predominantly minority, low-income community has battled the noxious hog industry for years.<sup>49</sup> Several cities and the U.S. Department of Agriculture have undertaken studies of fresh and healthy food access in various communities across the country, including studies of school food systems like those in New Orleans, and the National School Lunch Program.<sup>50</sup> Though these reports all reveal disparities in low-income and minority communities that negatively impact public health, little is mentioned about how these disparities are co-dependent.

An integrated narrative of these “separate” disparities might consider the lifecycle of the industrial food system through which the majority of the food Americans consume is produced. The land on which crops are grown is aggregated among a small number of farmers, few of whom are non-white (due to historic race and class disparities in landholdings, the decline

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46. COOPER ET AL., C3 COLLABORATING FOR HEALTH, FOOD AND HEALTH: A REPORT ON RESEARCH AND DEVELOPMENT ACTIVITY IN THE UNITED STATES, EUROPEAN COMMISSION AND THE UNITED KINGDOM 4 (2011), available at <http://www.c3health.org/wp-content/uploads/2009/09/Final-RandD-report-for-website-20110328.pdf>.

47. CHAVIS & LEE, *supra* note 11, at 23–28; BULLARD ET AL., *supra* note 23, at 38–46.

48. COLE & FOSTER, *supra* note 13, at 1–9.

49. See Anthony Ladd & Bob Edward, *Corporate Swine and Capitalist Pigs: A Decade of Environmental Injustice and Protest in North Carolina*, 29 SOCIAL JUST. 27, 27–28 (2002) (describing the growth of the hog farming in North Carolina and the waste such farming produces). Although a moratorium on new hog waste lagoons and restrictions on new or expanding hog CAFOs was established with the 2007 Swine Farm Environmental Performance Standards Act, existing CAFOs were not mitigated and there is now an increase in poultry CAFOs in the area. See Wendee Nicole, *CAFOs and Environmental Justice: The Case of North Carolina*, 121 ENVTL. HEALTH PERSPECTIVES. A182, A188 (2013).

50. GOTTLIEB & JOSHI, *supra* note 5, at 41–43; MICHELE VER PLOEG ET AL., ECON. RES. SERV., U.S. DEP’T OF AGRIC., ACCESS TO AFFORDABLE AND NUTRITIOUS FOOD—MEASURING AND UNDERSTANDING FOOD DESERTS AND THEIR CONSEQUENCES: REPORT TO CONGRESS 1 (2009). See generally SUSAN LEVINE, SCHOOL LUNCH POLITICS: THE SURPRISING HISTORY OF AMERICA’S FAVORITE WELFARE PROGRAM (2008).

of small family farms, and discrimination in lending and refinancing practices).<sup>51</sup> These so-called “factory farmers” have historically received substantial federal subsidies, mostly to grow corn and soybeans for fuel, animal feed, and processed foods.<sup>52</sup> Other domestic farmers who grow fruits and vegetables receive no subsidies.<sup>53</sup> This practice may have the effect of increasing the costs of these healthy foods for consumers, while artificially decreasing the costs of largely unhealthy processed foods.<sup>54</sup> While it is important to note that the 2014 Farm Bill eliminated direct subsidies to commodity farmers, this newest iteration of the agriculture legislation still provides substantial incentives for commodity farmers through crop insurance programs, while reducing food assistance programs for low-income individuals by \$8.6 billion.<sup>55</sup>

This system of large scale farming, most of which involves monoculture—or low-diversity crop cultivation—correlates with heavy use of pesticides and fertilizers,<sup>56</sup> many of which are produced in facilities located in low-income and majority-minority communities.<sup>57</sup> Numerous case studies, from Bhopal, India to Gert Town, Louisiana, document the immense health and safety risks to employees of these facilities and their surrounding communities.<sup>58</sup> Further, these toxic inputs are handled on a daily basis by low-wage farmworkers, many of whom are undocumented immigrants who are easily exploited because of their legal status, language

51. Jerry Penick, *Black-Owned: A Disappearing Community and National Resource*, 7 RACE, POVERTY, & ENV'T 5, 5 (2000); Devon G. Peña, *Environmental Justice and Sustainable Agriculture: Linking Ecological and Social Sides of Sustainability* 4 (October 23, 2002) (2d Nat'l People of Color Envtl. Leadership Summit, Resource Paper series).

52. GOTTLIEB & JOSHI, *supra* note 5, at 28, 76–77. It is important to note that the 2014 Farm Bill eliminated the system of direct farmer subsidies for commodity crops, which were referenced

53. Arthur Allen, *U.S. Touts Fruit and Vegetables While Subsidizing Animals That Become Meat*, WASH. POST (Oct. 3, 2011), [http://www.washingtonpost.com/national/health-science/us-touts-fruit-and-vegetables-while-subsidizing-animals-that-become-meat/2011/08/22/gIQAATFG5IL\\_story.html](http://www.washingtonpost.com/national/health-science/us-touts-fruit-and-vegetables-while-subsidizing-animals-that-become-meat/2011/08/22/gIQAATFG5IL_story.html). See also Scott Fields, *The Fat of the Land: Do Agricultural Subsidies Foster Poor Health?*, 112 ENVTL. HEALTH PERSPECTIVES A820, A821 (2004).

54. See Fields, *supra* note 53 (arguing that subsidies on unhealthy foods create an artificially large price gap between healthy and unhealthy foods).

55. U.S. DEPT. OF AGRIC., 2014 FARM BILL HIGHLIGHTS 1 (2014), available at <http://www.usda.gov/documents/usda-2014-farm-bill-highlights.pdf>; *Farm Bill 2014: Latest News*, FOOD RESEARCH AND ACTION CTR., <http://frac.org/leg-act-center/farm-bill-2012/>.

56. See Meehan, et al. *Agricultural landscape simplification and insecticide use in the Midwestern United States*, 108 PNAS 11500, 11502 (2011); Leo Horrigan et al., *How Sustainable Agriculture Can Address the Environmental and Human Health Harms of Industrial Agriculture*, 110 ENVTL. HEALTH PERSP. 445, 445 (2002).

57. *Production and Dumping*, PESTICIDE ACTION NETWORK: N. AM., <http://www.panna.org/issues/frontline-communities/production-dumping> (last visited Jan. 30, 2014).

58. *Id.*

barriers, and little to no meaningful political representation.<sup>59</sup> Many industrial meat production sites raise thousands of livestock (e.g. chickens, pigs, and cows, often injected with growth hormones that make them grow abnormally large) held in tightly confined spaces, where they generate massive amounts of fecal waste. Many of these sites are located in low-income rural communities and generate massive amounts of fecal waste, which causes many respiratory and bacterial illnesses in community members.<sup>60</sup>

Thus, before any food is harvested, several environmental injustices are perpetuated along race and class lines, all of which have bearing on public health outcomes of those impacted groups. New disparities arise post-harvest or slaughter in the distribution, consumption, and disposal of food.

Federal funding that supports commodity crops like corn and soybeans may also contribute to a market for processed, nutritionally deficient foods that are cheaper than unprocessed fruits and vegetables.<sup>61</sup> While processed food and whole foods are distributed across the country in grocery stores, convenience stores, and fast food restaurants, disparities in cost and access contribute to food deserts in many low-income and predominantly-minority communities, and food oases in higher income and majority white communities.<sup>62</sup> Food deserts are communities characterized by a disproportionate lack of access to affordable and healthy food choices, particularly large grocery stores and supermarkets.<sup>63</sup> These communities typically exist either in low-income rural areas located at a considerable distance from concentrated development, or in low-income urban areas that are highly segregated along racial lines and have high levels of income inequality.<sup>64</sup> By contrast, food oases are areas possessing substantial—even disproportionate—access to healthy and affordable food choices, and have historically been located in wealthier and whiter suburban communities.<sup>65</sup> Although there has been relatively little focus on rural areas in the food

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59. GOTTLIEB & JOSHI, *supra* note 5, at 18–26.

60. Ladd & Edward, *supra* note 49, at 28–30; GOTTLIEB & JOSHI, *supra* note 5, at 32–35.

61. See generally Fields, *supra* note 53, at A821 (“Support for [wheat, soybeans, and corn], critics say, has compelled farmers to ignore other crops such as fruits, vegetables, and other grains. The market is flooded with products made from the highly subsidized crops. . . . This flood, in turn, drives down the prices of fattening fare . . .”).

62. See Renee E. Walker et al., *Disparities and Access to Healthy Food in the United States: A Review of Food Deserts Literature*, 16 HEALTH & PLACE 876, 880 (2010).

63. See U.S. DEP’T OF AGRIC., ACCESS TO AFFORDABLE AND NUTRITIOUS FOOD: MEASURING AND UNDERSTANDING FOOD DESERTS AND THEIR CONSEQUENCES 1 (2009).

64. *Id.* at 2.

65. See Walker et al., *supra* note 62, at 876, 880. The authors refer to areas with supermarkets as “food oases.” *Id.* at 881.

desert literature, a compelling narrative exists to describe the formation of food deserts in urban areas across the country.

Historic outflows of capital from urban centers starting in the second half of the 20th century took many food retailers away from cities, where supermarkets proliferated rapidly in suburbia.<sup>66</sup> Despite densely populated communities with considerable market power, many urban food deserts have not been able to attract supermarkets back to inner-cities in part because of misconceptions about lack of profitability and security embedded into decades' old business plans.<sup>67</sup> Higher development costs in low-income areas may create further barriers to entry for major food retailers.<sup>68</sup> The result is a significant market failure, wherein food desert residents are left with few local healthy food choices, and supermarkets compete for a smaller share of an oversaturated suburban market.<sup>69</sup> Further, the types of food retailers that are available in these neighborhoods—convenience stores, liquor stores, and fast food restaurants—often have few healthy food options.<sup>70</sup> The lack of healthy food choice has major implications for health outcomes in these communities. Diabetes, heart disease, and other diet-related illnesses are prevalent in these environments, causing further disparities in the quality of life along race and class lines.<sup>71</sup>

Finally, at the end of the food cycle, disposal of food and other waste generated in its production and distribution in municipal waste transfer stations and hazardous waste landfills falls disproportionately on low-income communities and predominantly minority communities. *Toxic Wastes and Race at Twenty* illustrates that 47.7% of people of color in the United States live within one kilometer of a hazardous waste facility, and that 46.1% of people of color live between one and three kilometers from a hazardous waste facility.<sup>72</sup> Similarly, municipal waste transfer stations, which import trash from outside of communities to temporary holding facilities until it can be exported to landfills, are disproportionately located in low-income and predominantly minority communities.<sup>73</sup> These

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66. Nathan McClintock, *From Industrial Garden to Food Desert: Demarcated Devaluation in the Flatlands of Oakland, California*, in CULTIVATING FOOD JUSTICE: RACE, CLASS, AND SUSTAINABILITY 89, 93 (Alison Hope Alkon & Julian Agyeman eds., 2011).

67. Kameshwari Pothukuchi, *Attracting Supermarkets to Inner-City Neighborhoods: Economic Development Outside the Box*, 19 ECON. DEV. Q. 232, 234 (2005).

68. See U.S. DEP'T OF AGRIC., *supra* note 63, at 3.

69. See Pothukuchi, *supra* note 67, at 234.

70. See generally Kimberly Morland et al., *Neighborhood Characteristics Associated with the Location of Food Stores and Food Service Places*, 22 AM. J. PREVENTATIVE MED. 23 (2002).

71. GOTTLIEB & JOSHI, *supra* note 5, at 65–69.

72. See BULLARD, *supra* note 6, at 42.

73. NAT'L ENVT'L. JUSTICE ADVISORY COUNCIL, A REGULATORY STRATEGY FOR SITING AND OPERATING WASTE TRANSFER STATIONS: A RESPONSE TO A RECURRING ENVIRONMENTAL JUSTICE

disparities in exposures and disamenities impose yet another set of challenges to the health and quality of life for those who live, work, and play in those areas.<sup>74</sup> Among other challenges, such as decreased property values and lack of investment by other sectors of the economy, these facilities may contribute to increased asthma rates, increased safety risks, increases in dust and odors, and decreases in access to environmental amenities, such as waterfronts.<sup>75</sup>

Thus, each stage of the food production process creates negative externalities both for environment and for the American diet. These impacts have poor health consequences for the entire nation, but they are magnified in communities that are, as a consequence of race and/or class, forced to bear a disproportionate share of the burdens of the industrial food system. Further, there is evidence of an interactive effect between nutrition and environmental exposures on human health—particularly for women and children, such that nutritional deficiency may exacerbate toxicity levels of environmental pollutants,<sup>76</sup> whereas nutritional sufficiency may mitigate toxicity from such pollutants.<sup>77</sup> Understanding these realities, the idea that achieving food justice is part of environmental justice is clarified, as the critical reforms to the food system advocated by food justice activists—sustainable production, equitable access, and adequate nutrition—necessitate the dismantling of the many environmental burdens borne by historically disempowered communities.

### B. *Ecological Health*

By many accounts, the rise of modern industrial agriculture began in the mid-20th century with the Green Revolution.<sup>78</sup> The intention was simple—to alleviate global hunger and food insecurity through technological innovations in agriculture.<sup>79</sup> Crop yields were increased

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CIRCUMSTANCE: THE SITING OF WASTE TRANSFER STATIONS IN LOW-INCOME COMMUNITIES AND COMMUNITIES OF COLOR 9 (2000).

74. See BULLARD, *supra* note 6, at 39 (finding that hazardous waste facilities are distributed in majority low-income and minority neighborhoods to an even greater extent than previously reported).

75. See NAT'L ENVTL. JUSTICE ADVISORY COUNCIL, *supra* note 73, at 4.

76. See Katarzyna Kordas et al., *Interactions Between Nutrition and Environmental Exposures: Effects on Health Outcomes in Women and Children*, 137 J. NUTRITION 2794, 2795 (2007).

77. See generally Howard Hu et al., *The Role of Nutrition in Mitigating Environmental Insults: Policy and Ethical Issues*, 103 ENVTL. HEALTH. PERSPECTIVES 185 (1995) (proposing nutrition as a prevention strategy to mitigate environmental exposures, and connecting both of these issues to environmental justice concerns).

78. Aaron Citron, *Working Rivers and Working Landscapes: Using Short-Term Water Use Agreements to Conserve Arizona's Riparian and Agricultural Heritage*, 1 ARIZ. J. ENVTL. L. & POL'Y 7, 9 (2010).

79. Prabhu L. Pingali, *Green Revolution: Impacts, Limits, and the Path Ahead*, 109 PROC. NAT'L

through large-scale monoculture farming with a combination of chemical inputs and industrially-engineered crop varieties.<sup>80</sup> This movement was championed in the United States under the guidance of Earl Butz, the former secretary of agriculture under President Richard Nixon. The Farm Bill of 1973 offered subsidies directly to farmers to grow commodity crops, which they would plant densely and exclusively as subsidies were directly linked to the farmers' yield.<sup>81</sup> These reforms were also viewed as ecologically sound because proponents believed that such landholding structures would prevent more of virgin land from being converted to farmland (as they saw happening with smaller farms) and allow unused farmland to be ecologically restored.<sup>82</sup>

Although in numeric terms, the Green Revolution succeeded in radically increasing yields of many crops, such as wheat, rice, soybeans, and corn, other structural changes required to achieve these results had negative consequences for ecological health and sustainability.<sup>83</sup> In addition to rapid declines in smaller traditional farms and the replacement of farmers with large agribusinesses as leaders of the agricultural sector, the industrial farming model created unprecedented dependence on chemical inputs to crops and soil.<sup>84</sup> Former food cultivation practices, such as crop rotation and manure fertilization, were replaced with manufactured pesticides and fertilizers, as the integration of livestock and diversified crop production were discontinued on factory farms.<sup>85</sup> These chemicals, on which there is often little research with regard to ecological and health impacts, are heavily concentrated in the soil, run off into major water bodies, and seep into groundwater.<sup>86</sup> Further, such intensive farming techniques are linked with high levels of soil erosion and decreased biodiversity in surrounding areas.<sup>87</sup>

Shifts in livestock raising practices resulted in similarly damaging ecological consequences. In efforts to make meat cheaper and more plentiful, agribusinesses developed farmer-integrator models in which a few meat conglomerates contracted with farmers to create concentrated

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ACAD. SCI. 12302, 12303 (2012).

80. Hope Shand, *Biological Meltdown: The Loss of Agricultural Biodiversity*, 7 RACE, POVERTY, & ENV'T 10, 11 (2000).

81. See Windham, *supra* note 39, at 10. Earl Butz is credited with demanding that farmers "get big or get out," and encouraging them to consider themselves as "agribusinessmen." *Id.*

82. Pingali, *supra* note 79, at 12304.

83. *Id.*

84. Peña, *supra* note 51, at 3.

85. See Horrigan et al., *supra* note 56, at 445, 452.

86. *Id.* at 445.

87. *Id.*

animal feed operations (CAFOs).<sup>88</sup> Forced to live by the thousands in confined spaces, these livestock are pumped with antibiotics and growth hormones, and fed non-native diets (mostly grains).<sup>89</sup> The manure produced from these operations would be used to fertilize food crops on traditional farms, but in these industrial meat production operations the manure is instead spread over empty fields that often cannot absorb the enormous volume of waste and consequently release much of it into waterways via point source pollution.<sup>90</sup> In addition to these environmental health issues, such operations also raise major ethical concerns about animal welfare and rights.

The cumulative impacts of industrial farming have also been implicated as a major contributor to climate change patterns, as the lifecycle impacts of these intensive practices—from production to transportation to consumption of food and fuel—disrupt critical ecological processes, and generate massive greenhouse gas emissions.<sup>91</sup>

Although these challenges have long been the cause of the mainstream environmental movement,<sup>92</sup> both the food justice and environmental justice movements also have major stakes in the ecological and climate consequences of the current farming system. As discussed above, these stakes are in part predicated on the social inequities arising from environmental degradation. However, as illustrated below, literature from both movements indicates an equal and inextricable concern for ecological sustainability and the ethical treatment of animals.<sup>93</sup>

Indeed, at the first People of Color Environmental Leadership Summit in 1991, attendees developed 17 "Principles of Environmental Justice" with which to anchor the movement. Of particular significance to ecological impacts are principles #1, #3, #6, and #17:

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88. GOTTSLIEB & JOSHI, *supra* note 5, at 33–38.

89. Horrigan et al., *supra* note 56, at 449.

90. *Id.*; Ladd & Edward, *supra* note 49, at 28. Pursuant to the federal Clean Water Act, point source pollution is a discharge from "any discernible, confined, and discrete conveyance," such as through a pipe, channel or ditch, into the waters of the United States. 33 U.S.C. § 1362(14). Non-point source pollution, such as agricultural storm water runoff, is exempt from permitting under the Clean Water Act, though it is a leading contributor to water quality problems. See *What is Nonpoint Source Pollution?*, ENVTL. PROT. AGENCY, <http://water.epa.gov/polwaste/nps/whatis.cfm> (last updated Aug. 27, 2012).

91. Horrigan et al., *supra* note 56, at 448.

92. Gottlieb & Fisher, *supra* note 43, at 25.

93. For further support for the disproportionate burden of environmental hazards on racial minorities, see, for example, Paul Mohai, *Black Environmentalism*, 71 SOC. SCI. Q. 744, 744 (1990).

*1. Environmental justice affirms the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction.*

*3. Environmental justice mandates the right to ethical, balanced and responsible uses of land and renewable resources in the interest of a sustainable planet for humans and other living things.*

*6. Environmental justice demands the cessation of the production of all toxins, hazardous wastes, and radioactive materials, and that all past and current producers be held strictly accountable to the people for detoxification and the containment at the point of production.*

*17. Environmental justice requires that we, as individuals, make personal and consumer choices to consume as little of Mother Earth's resources and to produce as little waste as possible; and make the conscious decision to challenge and reprioritize our lifestyles to insure the health of the natural world for present and future generations.<sup>94</sup>*

Similar principles were developed by food justice advocates at the 2012 Food + Justice = Democracy Conference:

*1. All people recognize themselves as part of the Land, Air, Water, and Sky (LAWS), and uphold the rights of nature to exist, persist, maintain, and regenerate.*

*2. A just food and water system works to reverse climate change by becoming agro-ecologically independent of fossil fuels while adapting to climate change in ways that address its inequities.*

*3. A just food and water system is predicated on Public Policy processes in which communities make free, prior, and informed decisions to protect and affirm the interdependent web of life.<sup>95</sup>*

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94. UNITED CHURCH OF CHRIST, ALMOST EVERYTHING YOU NEED TO KNOW ABOUT ENVIRONMENTAL JUSTICE 10–11, available at [http://www.ucc.org/justice/advocacy\\_resources/pdfs/environmental-justice/almost-everything-you-need-to-know-about-environmental-justice-english-version.pdf](http://www.ucc.org/justice/advocacy_resources/pdfs/environmental-justice/almost-everything-you-need-to-know-about-environmental-justice-english-version.pdf).

95. INST. FOR AGRIC. & TRADE POL'Y, *supra* note 29.



Shared values of ecological sustainability and respect for the interdependence of nature and life further illustrate the fundamental connections between the environmental justice and food justice movements. Though food justice advocacy alone cannot address all negative and disparately burdensome ecological impacts, food is nevertheless one of the major—and most relatable—angles from which to approach environmental sustainability and environmental justice. Any achievements in food justice, as defined by the current movement, will also be successes for environmental justice.

### C. *Social Justice*

Central to the purpose of the environmental justice and food justice movements in the United States is the conclusion, supported by empirical evidence,<sup>96</sup> that specific populations within the nation suffer the brunt of the negative externalities of industry, economic development, and food production, while receiving the smallest share of the economic, social, and political benefits of those activities.<sup>97</sup> Advocates of both movements view these results as unjust and anathema to principles of equality and democracy, and set as their missions the eradication of such disparities.<sup>98</sup>

The goals of both movements, however, reach beyond their core missions. With regard to environmental justice, Gottlieb and Fisher highlight several so-called parallel movements with which advocates are concerned, including fair access to affordable housing and gainful employment.<sup>99</sup> Food justice activists are also affiliated with parallel movements to address immigration reform, labor, gender inequality, and cultural hegemony.<sup>100</sup> Accounting for these related causes, perhaps the best interpretation of both movements' goals is to achieve real improvements in the quality of the social, economic, and political lives of historically disenfranchised groups, including low-income and predominantly minority communities. Such improvements may be measured in various ways, such as the extent to which people are able to control what goes into their bodies through full disclosure of food inputs and industrial outputs, maintaining authority over the cultivation and stewardship of ancestral and tribal lands, or simply having access to public transportation to reach healthy food

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96. See, e.g., ALLISON HOPE ALKON & JULIAN AGYEMAN, *CULTIVATING FOOD JUSTICE: RACE, CLASS, AND SUSTAINABILITY* (2011); BULLARD, *supra* note 4; CHAVIS & LEE, *supra* note 11; GOTTLIEB & JOSHI, *supra* note 5.

97. COLE & FOSTER, *supra* note 13, at 10; GOTTLIEB & JOSHI, *supra* note 5, at 4–10.

98. COLE & FOSTER, *supra* note 13, at 10.

99. Gottlieb & Fisher, *supra* note 43, at 25.

100. See *History*, INST. FOR AGRIC. & TRADE POL'Y, <http://www.iatp.org/about/history>.

markets. Justice in both movements, therefore, is not only about equity and access, but also about sovereignty, the power to determine, regardless of background, the conditions under which a community lives and the range of healthy choices available to its members.

To that end, both movements demand meaningful public participation in policy decisions impacting the quality of life in all communities.<sup>101</sup> Beyond the standard notice and comment procedures common to most government bodies, environmental and food justice advocates desire a place at the table for the full decision-making process, from initial policy proposals to implementation.<sup>102</sup> Possessing the same vision for how to achieve just policies, food justice, and environmental justice operate within highly compatible frameworks, which can only be made stronger and more comprehensive if integrated. As discussed in detail below, food policy councils are ideal institutions in which to achieve such integration.

### III. FOOD POLICY COUNCILS AT THE INTERSECTION OF FOOD JUSTICE AND ENVIRONMENTAL JUSTICE

The marriage of food issues and environmental stewardship has been part of the ethos of FPCs since the first council was established in Knoxville, Tennessee in 1982.<sup>103</sup> Indeed, the Knoxville-Knox County Food Policy Council has as its first goal to “minimize food-related activities that degrade the natural environment; limit wasteful resources needed for future production and distribution.”<sup>104</sup> Similarly, the Chicago Food Policy Advisory Council, founded 19 years later, seeks to “improve access for Chicago residents to culturally appropriate, nutritionally sound, and affordable food that is grown through environmentally sustainable practices.”<sup>105</sup>

Although not all FPCs explicitly establish environmentalism as part of their mission,<sup>106</sup> the linkages between food and the environment are

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101. *Id.*; COLE & FOSTER, *supra* note 13, at 14–15; GOTTLIEB & JOSHI, *supra* note 5, at 9–10.

102. *See, e.g.*, COLE & FOSTER, *supra* note 13, at 14–15 (calling for greater cooperation between researchers and advocates of the food and environmental justice movements).

103. *See* KNOXVILLE-KNOX CNTY. FOOD POL’Y COUNCIL, *supra* note 42.

104. *See About Us*, KNOXVILLE-KNOX CNTY. FOOD POL’Y COUNCIL, <http://www.knoxfood.org/about-us/> (last visited Feb. 1, 2014).

105. *About*, CHI. FOOD POL’Y ADVISORY COUNCIL, <https://www.facebook.com/pages/Chicago-Food-Policy-Advisory-Council/343023116578> (last visited Feb. 1, 2014).

106. *See About Us*, THE NEW ORLEANS FOOD POL’Y ADVISORY COMM., [http://nolafoodpac.org/?page\\_id=5](http://nolafoodpac.org/?page_id=5). *Contra Durham Farm and Food Network*, DURHAM FARM AND FOOD NETWORK, <http://durhamfarmandfoodnetwork.wordpress.com/> (last visited Nov. 1, 2014). Durham Farm and Food Network defines its purpose entirely in terms of promoting “a community that is

frequently apparent in their work and in the make-up of their membership. Mark Winne, a prominent food policy expert and co-founder of several food policy organizations, including the City of Hartford Advisory Commission on Food Policy, asserts that FPCs arose out of a realization among food activists and experts that the industrialized food system, which had environmental, social justice, and health challenges, “generated many policies, and for the most part, the average citizen didn’t have much role in shaping them.”<sup>107</sup> Food policy councils thus became community forums for people possessing various interests and expertise, including on environmental issues, all +related to the food system.<sup>108</sup>

The connection between FPCs and their communities are embedded in their core purpose, which is to engender food democracy, defined by food policy professor Tim Lang, as “the long process of striving for improvements in food for all not the few.”<sup>109</sup> Accomplishing food democracy requires the collaboration of communities to ensure that their interests are appropriately represented, and that they are not excluded from healthy food systems. Over the past three decades, food policy councils have assembled citizens at the local, state, and regional level to identify the food challenges in their communities and to develop viable strategies to mitigate or resolve those issues.<sup>110</sup> Much of that work manifests itself in policy advocacy: taking communities’ ideas and concerns and petitioning local or state government to create the necessary policies to improve food systems. Examples abound of FPCs’ involvement in developing progressive urban agriculture ordinances (Chicago, Cleveland, Baltimore, Durham), farm to school programs (New Mexico, Mississippi), expanded opportunities for green grocers (New Orleans), sustainable agriculture on public lands (Colorado, New York), and many other zoning and land tenure policies.<sup>111</sup>

There is no uniform pathway for FPCs to develop policies or programs; however, there may be differences in what types of policies and programs are pursued and how they are applied depending on the scale at

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committed to local food sovereignty, environmentally responsible initiatives, and accessible, healthy food for all residents.”

107. MICHAEL BURGAN & MARK WINNE, *DOING FOOD POLICY COUNCILS RIGHT: A GUIDE TO DEVELOPMENT AND ACTION* 2 (2012), available at <http://www.markwinne.com/wp-content/uploads/2012/09/FPC-manual.pdf>.

108. *Id.* at 4–5.

109. *Id.* at 3 (quoting Tim Lang, *Food Security or Food Democracy?*, 78 PESTICIDE NEWS 12, 12 (2007)).

110. *Id.* at 6–7.

111. *Id.* at 8; *How to Preserve Open Space*, BALT. GREEN SPACE, <http://www.baltimoregreenspace.org/pages/how-to-preserve-an-open-space.html> (last visited Feb. 1, 2014); N.Y. GEN. MUN. LAW § 96 (McKinney 1978).

which FPCs are developed. For example, the state of Mississippi has one FPC at the state level, and it has pursued policies largely related to school food, economic development, and farmers' markets.<sup>112</sup> Those policies were advocated by various food non-profits, food industry representatives, and individuals,<sup>113</sup> and resulted in state government support for programs with statewide application, like the new Interagency Council on Farm to School, which was approved by the state legislature in 2013.<sup>114</sup> Unlike many local FPCs, the Mississippi Food Policy Council has not pursued policy around urban agriculture, which, because urban agriculture generally involves amendments to zoning ordinances and local planning,<sup>115</sup> might be more readily pursued if one of the cities—perhaps Jackson, Mississippi—developed a local food policy council. Though a more systematic study of food policy councils of different types (e.g. independent vs. government) and scales would be necessary to make more precise comparisons about what FPCs accomplish and how, these qualitative factors likely have some impact on policy advocacy and outcomes.

Regardless of their type or scale, FPCs have been instrumental in restructuring food systems within the urban environment in ways that both improve access to good fresh food and alter the urban landscape to include highly functional, ecologically sound, and aesthetically pleasing green spaces. Chicken coops and beehives now intermingle with city scapes in Denver, Colorado and Milwaukee, Wisconsin; previously vacant lots grow an assortment of fruits and vegetables to source restaurants, corner groceries, or high-rise apartment dwellers.<sup>116</sup> Farm stands arise in residential districts, and farmers' markets multiply in city centers, in places like Durham, North Carolina, and Chicago, Illinois, further connecting people to food and to the people responsible for growing it.<sup>117</sup> Although

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112. See *Mississippi Food Policy Council Annual Report: June 2012-May 2013*, MISS. FOOD POL'Y COUNCIL, <http://mississippifoodpolicycouncil.files.wordpress.com/2011/10/mfpc-2012-2013-annual-report.pdf> (last visited Mar. 27, 2014).

113. See *Membership*, MISS. FOOD POL'Y COUNCIL, <http://mississippifoodpolicycouncil.wordpress.com/about/membership/> (last visited Mar. 27, 2014).

114. See *Mississippi Food Policy Council Annual Report*, *supra* note 95, at 1-2.

115. See HARV. FOOD LAW AND POL'Y CLINIC, *GOOD LAWS, GOOD FOOD: PUTTING LOCAL FOOD POLICY TO WORK FOR OUR COMMUNITIES* 46-54 (2012), available at <http://blogs.law.harvard.edu/foodpolicyinitiative/files/2011/09/FINAL-LOCAL-TOOLKIT2.pdf>.

116. See generally *id.* See also *Current Activities*, MILWAUKEE FOOD COUNCIL <http://www.milwaukeefoodcouncil.org/#!activities/c21kz>.

117. See, e.g., STEVE MEDLIN, *UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT—FARMERS' MARKETS AND COMMERCIAL CROP PRODUCTION (TC1200005)* (2012), available at [http://durhamnc.gov/ich/cb/ccpd/Documents/JCCPC%20Agendas/JCCPC%20Agendas%202012/November%202012/Attachment5\\_20121031\\_101838.pdf](http://durhamnc.gov/ich/cb/ccpd/Documents/JCCPC%20Agendas/JCCPC%20Agendas%202012/November%202012/Attachment5_20121031_101838.pdf); HARV. FOOD LAW AND POL'Y CLINIC, *supra* note 115, at 48.

the food democracy is far from perfect, FPCs and their constituents have ensured that many communities are no longer far removed from good food and the environment that cultivates it. It is within this framework, initiated 33 years ago in Knoxville, and progressing across the nation, that the environmental justice and food justice movements have perhaps the greatest potential for convergence and national impact. That many FPCs are already concerned with the environmental impacts of the food system is both expected and beneficial to an integration of environmental justice and food justice issues. It is critical, however, to again distinguish advocacy around traditional environmentalism from environmental justice, and to separate sustainable food advocacy from food justice. Although healthy food and sustainability are central to the environmental and food justice movements, as discussed above, matters of equity and sovereignty implicated in justice are not necessarily central to mainstream food and environmental activism. For example, expansion of urban agriculture is a current trend for addressing food insecurity and lack of food access.<sup>118</sup> But though urban farms may increase the total volume of fresh food in a metropolitan area, it may not increase access to those new sources of food by people who do not already have adequate access. Similarly, FPCs advocating for acceptance of public benefits like those provided through the Supplemental Nutritional Assistance Program and the Special Supplemental Nutrition Program for Women, Infants and Children at farmers' markets may only improve real access to food for beneficiaries of those programs if they have feasible physical access to the markets themselves. Advocacy against residual chemical inputs at the end of the food cycle does not address the disparate environmental and health impacts of the production of those inputs at the beginning of the cycle. The membership of FPCs is just as critical as the substance of their activities. Participation by a representative group of residents at any level is the most effective tool for success because of its capacity to improve food and environmental policy for every community. Even without addressing exogenous challenges to their food systems, FPCs can utilize and expand on existing social and political capital to improve culture around food and environmental justice within the boundaries of a cities, counties, or states.

Building a truly representative FPC membership, however, requires rigorous pursuit of allies and strategic partnerships and a strict policy of inclusivity for meetings, hearings, and important decisions.<sup>119</sup> Achieving such coalitions may be more difficult in some places than in others, depending upon historic relationships between various groups and the

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118. See HARV. LAW FOOD LAW AND POL'Y CLINIC, *supra* note 115, at 46.

119. BURGAN & WINNE, *supra* note 107, at 10.

levels of trust needed to secure a broad base of support. Nevertheless, to build adequate capacity around integrated issues of environmental and food justice, such difficulties must not concede to cynicism about the relative importance of full participation.

Critiques by planning and engineering scholars Irvin and Stansbury, namely that the costs (money, time, imbalanced power dynamics, and ineffective or damaging outcomes) sometimes outweigh the many touted benefits (legitimacy, representation, and community empowerment), fail to account for the possible impacts of counterfactual scenarios in which people were not allowed to participate.<sup>120</sup> Indeed, it is difficult to measure the short- and long-term costs of excluding the public from participation in matters impacting them, however small. An approach to participation predicated on justice, however, might find that the benefits to full participation do ultimately outweigh the real or perceived hazards of such a process, even if it does fail. This is because those possessing more political, social, and economic power are far more likely to find a way to be heard, regardless of who is or is not offered a seat at the table. Thus, to reduce opportunities for public participation in decision-making processes out of concern for reinforced inequalities is tantamount, in most instances, to allowing inequality to prevail by default. Even if FPCs are not fully representative of all communities, having under-represented communities with some opportunities to contribute to the process is preferable to full exclusion of those communities from participation.

Beyond participation, the true work of an integrated approach to environmental and food justice resides in setting an agenda that seeks to identify and evaluate important challenges from both angles—that is, the environmental justice challenges embedded in food justice issues and the food justice implications of environmental problems. Perhaps the best current example of a FPC operating within an integrated agenda is the Chicago Food Policy Advisory Council (CFPAC).

Founded in 2003, CFPAC “works with city government to advocate for policy in the areas of social justice, health outcomes, infrastructure, and increasing local food.”<sup>121</sup> Its co-chair, Erika Allen, is the Chicago Director of Growing Power, a 20-year-old organization focused on urban agriculture and youth empowerment, and food entrepreneurship.<sup>122</sup> In partnership with

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120. Renée A. Irving & John Stansbury, *Citizen Participation in Decision Making: Is it Worth the Effort?*, 64 PUB. ADMIN. REV. 55, 58–60 (2004).

121. *Chicago Projects & Partnerships, 2001-2009*, FOOD SYSTEMS PLANNING <http://www.foodsystemsplanning.com/chicago-projects> (last visited Apr. 7, 2014) (referencing its role on the Chicago Food Policy Advisory Council).

122. *About Us*, GROWING POWER, [http://www.growingpower.org/about\\_us.htm](http://www.growingpower.org/about_us.htm) (last visited Feb.

Growing Power, CFPAC participates in the organization's Growing Food and Justice for All Initiative, which is "aimed at dismantling racism and empowering low-income and communities of color through sustainable and local agriculture."<sup>123</sup> Further, one of the council's major initiatives was "stud [yang] the budget of eight city departments and highlight [in] issues for each that touched the local food system." One of the departments they studied was the Department of the Environment's composting program, which it eventually helped develop within city limits after eliminating the local ban on personal and commercial composting.<sup>124</sup> Such initiatives make tremendous contributions to advancing environmental justice by creating local jobs for community youth through direct involvement in neighborhood-based urban farming, making real improvements in food access in underserved communities, and diverting waste away from landfills which have disproportionate health and quality of life impacts on low-income and predominantly minority communities.

Finally, the CFPAC's local efforts, in tandem with other efforts across the state and region, resulted in the 2007 Illinois Food, Farms, and Jobs Act, which was "designed to provide the state with the proper mechanisms for a more localized food economy."<sup>125</sup> The statute created a state-level food task force, and "emphasized five central components of a local food system: affordable farmland; new farmers; increased variety of food crops; infrastructure; and convenient access in all Illinois communities, urban, and rural."<sup>126</sup>

The CFPAC's agenda, and its subsequent influence on both local and state food policy, illustrates the significant potential for FPCs to build strong grassroots support for system-wide changes to the industrial food system. Utilizing a more integrated approach to addressing food system challenges with a progressive and grounded membership, the council was able to make more comprehensive changes to how the local system operated while addressing related environmental justice issues simultaneously.

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1, 2014). Erika Allen is an officer of Growing Power. *Our Staff*, GROWING POWER, <http://www.growingpower.org/staff.htm> (last visited Feb. 27, 2014).

123. *Growing Food and Justice for All*, GROWING POWER, [http://www.growingpower.org/growing\\_food\\_and\\_justice\\_for\\_all.htm](http://www.growingpower.org/growing_food_and_justice_for_all.htm) (last visited Feb. 1, 2014).

124. BURGAN & WINNE, *supra* note 107, at 15; HARV. FOOD LAW AND POL'Y CLINIC, *supra* note 115, at 85.

125. 2007 Ill. Legis. Serv. P.A. 95-145 (H.B. 1300) (West); HARV. FOOD LAW AND POL'Y CLINIC, *supra* note 115, at 85.

126. HARVARD FOOD LAW AND POL'Y CLINIC, *supra* note 115, at 85.

## CONCLUSION

Food policy councils, now spread throughout North America—193 councils at the state, local, and regional levels<sup>127</sup>—are thriving institutions with collective potential to engender food democracy across the continent. Further, many FPCs have already made environmental protection a core part of their mission and advocacy, making the critical connection between food and ecological sustainability. However, as illustrated by the history of social exclusion and elitism reflected in the mainstream environmental and food sustainability movements, FPCs that do not also make social justice central to their mission risk reproducing the same race and class inequalities in their advocacy and policy outcomes.

This paper argues that in order to accomplish goals of ecological sustainability, food sustainability, and community food access, FPCs should adopt the principles of the environmental justice and food justice movements. These parallel movements intersect at three critical points—public health, ecological health, and social justice. Environmental justice and food justice are perfect allies because their integration creates tremendous opportunities for more comprehensive approaches to structural social problems in the physical environment and food system. Further, because the tenets of food justice are so dependent upon structural shifts in environmental stewardship in low-income and minority communities, food justice is a critical component of environmental justice. Utilizing FPCs as a democratic institutional framework, advocates from both movements can finally integrate at the grass-roots level—where people care most about their food and environment—building upward towards a more sustainable and just national food system.

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127. Mark Winne, *Food Policy Councils: A Look Back at 2012* (Jan. 8, 2013), <http://www.markwinne.com/food-policy-councils-a-look-back-at-2012/> (citing the findings from the May 2012 census of the now defunct Community Food Security Coalition). For a list of FPCs across North America, see MARK WINNE, CFSC LIST OF FOOD POLICY COUNCILS IN NORTH AMERICA (2012), <http://www.markwinne.com/wp-content/uploads/2012/09/fp-councils-may-2012.pdf>.